

REMARKS

I. Status of Application

Claims 1-10 are currently pending in the application. Claims 1-9 have been rejected.

II. Formalities

The Examiner has considered all the references cited with the Information Disclosure Statements filed on April 27, 2007, October 17, 2007, November 21, 2007 and March 27, 2008, respectively.

The Examiner has indicated that the drawings filed on August 20, 2004 have been accepted.

The Examiner has acknowledged Applicant's claim to foreign priority and has acknowledged receipt of the certified copies of the priority documents.

III. Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 6 and 8-9 under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent No. 6,616,533 to Rashkovskiy (hereinafter "Rashkovskiy"). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

As an initial matter, Applicant notes that since the present application claims priority from JP 2002-048470, which was filed on February 25, 2002, and since the issue date of Rashkovskiy is September 9, 2003, the cited Rashkovskiy reference does not qualify as prior art under 35 U.S.C. § 102(a).

A. Independent Claim 1

Moreover, according to the MPEP, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference.” (MPEP § 2131). Applicant respectfully submits that claims 1, 2, 6 and 8-9 positively recite limitations which are not disclosed (or suggested) by Rashkovskiy

Without conceding to the merits of the Examiner’s rejections, Applicant has amended claim 1, as set forth above. Applicant respectfully submits that Rashkovskiy fails to disclose or suggest all the recitations of claim 1.

In stark contrast to claim 1, Rashkovskiy discloses an advertisement displayed on a video game which is played in video arcades or using home computer systems. However, among other deficiencies, Rashkovskiy provides no disclosure or suggestion whatsoever regarding the features of and advertising system installed on each of a plurality of tables in a store, as claimed. Additionally, Rashkovskiy nowhere discloses or suggests an identification information retrieval processing section configured to read an orderer identification code that identifies a user seated at one of the tables. Rashkovskiy also fails to disclose or suggest a seating information management section configured to manage seating information, said seating information including information in which a table code, that identifies a table and a user terminal, is associated with the orderer identification code of the user seated at the table, as recited in claim 1. Finally, Rashkovskiy nowhere discloses or suggests an image control device configured to control, using at least output information from said seating information management section, said game playback device so that said game playback device employs an advertising image that is an image for advertising a product or a service, as a character image used in said game screen.

Therefore, claim 1 is not anticipated by Rashkovskiy for *at least* these reasons. Moreover, the dependent claims 2 and 6 are patentable *at least* by virtue of their dependency. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

B. Independent Claims 8 and 9

In view of the similarity between the requirements of claims 8 and 9 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claims 8 and 9. As such, it is respectfully submitted that claims 8 and 9 are patentably distinguishable over the cited references *at least* for reasons analogous to those presented above. Thus, the allowance of these claims is respectfully solicited of the Examiner.

IV. Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 3 and 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rashkovskiy in view of U.S. Patent No. 6,196,920 to Spaur (hereinafter “Spaur”). Claims 4-5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rashkovskiy and Official Notice. Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

The dependent claims 3-5 and 7 incorporate all the novel and non-obvious recitations of their base claim 1. For *at least* the reasons already discussed above, Rashkovskiy fails to teach or suggest all the recitations of claim 1. Further, neither Spaur, nor the Official Notice taken by the Examiner, remedy the deficient teachings of Rashkovskiy. Quite to the contrary, Spaur teaches an on-line game playing with advertising over a network such as the internet. Moreover, the Official Notice taken by the Examiner, even if it *were* taken as fact (which Applicant does not concede), nevertheless fails to teach or suggest the features of an identification information

retrieval processing section, a seating information management section, and an image control device, as claimed.

Therefore, claims 3-5 and 7 are patentable over the cited references *at least* by virtue of their dependency on claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

V. New Claim

New dependent claim 10 has been added and is fully supported by the original specification. Applicant submits that claim 10 is patentable over the cited references *at least* by virtue of its dependency on claim 1 and by virtue of the recitations set forth therein.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/505,142

Attorney Docket No.: Q83077

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Andrew J. Taska /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Andrew J. Taska
Registration No. 54,666

Date: September 10, 2008